

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PIRELLI ARMSTRONG TIRE CORPORATION :
RETIREE MEDICAL BENEFITS TRUST, :
derivatively on behalf of MACY'S INC., :

Plaintiff, :

-against- :

TERRY J LUNDGREN, et al., :

Defendants, :

-and- :

MACY'S INC., :

Nominal Defendant. :
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07 Civ. 5862 (RJH)

ORDER

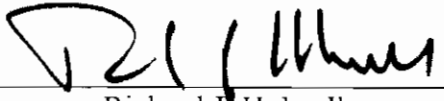
USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 8/4/08

Nominal Defendant Macy's Inc. has filed a document labeled "Notice of Motion to Dismiss," in which it moves for an order dismissing Plaintiff's complaint for the reasons set forth by Defendants in their November 8, 2007 brief in support of their motion to dismiss.

The Court interprets Macy's Inc.'s "Notice of Motion to Dismiss" as a motion to join Defendants' motion to dismiss, which is granted. The clerk of the court is directed to mark Macy's Inc.'s motion [36] as resolved.

SO ORDERED.

Dated: New York, New York
August 1, 2008


Richard J. Holwell
United States District Judge